

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

HUMBERTO TINOCO, CESAR  
MENDEZ, JOSE MAURICIO,  
RICARDO MORALES, APOLINAR  
RODRIGUEZ, and ANASTACIO  
PEREZ, on behalf of themselves and all  
other employees similarly situated, known  
and unknown,

Plaintiffs,

v.

OCTAVIO TAPIA, individually, and  
AMERICA AUTO SERVICE, INC., an  
Illinois corporation,

Defendants.

No. 08 C 1365

JUDGE AMY J. ST. EVE

**DEFENDANTS' DISCLOSURE PURSUANT TO  
FEDERAL RULE OF CIVIL PROCEDURE 26(a)(1)**

TO: Mr. Paul Luka  
AMATORE & ASSOCIATES, P.C.  
120 S. State Street, Suite 400  
Chicago, IL 60603

NOW COMES the Defendants, OCTAVIO TAPIA, individually, and AMERICA AUTO  
SERVICE, INC., an Illinois Corporation, by and through their attorneys, KELLY & KING, P.C.,  
and provides the following disclosures pursuant to Federal Rule of Civil Procedure 26(a)(1):

**A. WITNESSES**

**Parties**

Octavio Tapia  
Humberto Tinoco  
Cesar Mendez  
Jose Mauricio  
Ricardo Morales

Apolinar Rodriguez  
Anastacio Perez

**Witnesses**

Alberto Tapia  
Areli Tapia  
Jose Tapia

The above three witnesses are employees of Defendant corporation and have knowledge of facts and circumstances of Plaintiffs' employment, including their hours of employment and pay.

Amin Hussain

Mr. Hussain is the accountant for the Defendant corporation and has knowledge of the payroll and accounting for the corporation.

**B. DOCUMENTS**

Time Cards  
W-2's  
Tax Returns  
Payroll records  
Employment records

**C. DAMAGES COMPUTATIONS**

Defendants do not know at present what, if any damages the Plaintiffs are entitled to. Defendants claim that Plaintiffs are not entitled to liquidated damages or damages that date back more than two years.

**D. INSURANCE**

Defendants have no indication that this claim is covered by insurance.

s/ Paul E. Kelly  
One of the Attorneys for Plaintiff

Paul E. Kelly - Attorney No. 1437356  
KELLY & KING, P.C.  
20 North Clark Street, Suite 2900  
Chicago, Illinois 60602  
312-553-5290

**PROOF OF SERVICE**

I, Paul E. Kelly, attorney for Defendants, certify that I have served a copy of the foregoing **DEFENDANTS' DISCLOSURE PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 26(a)(1)**, to the above listed electronically on May 1, 2008 at or before 5:00 p.m.

s/ Paul E. Kelly \_\_\_\_\_